



MONTGOMERY COUNTY ETHICS COMMISSION

Steven Rosen
Chair

Kenita V. Barrow
Vice Chair

June 1, 2016

Advisory Opinion 16-05-011

A private attorney has inquired “[i]f you lobby for a town or municipality, do you have to register?”

Section 19A-21(c)(3) of the Public Ethics Law indicates the lobbying disclosure article does not apply to "communicating with a County agency as an official act of an official or employee of the state, a political subdivision of the state, or the United States, and not on behalf of any other person or business." The Commission concludes that a private attorney who lobbies the County on behalf of a town or municipality and otherwise meets the thresholds for registration in lobbying for the governmental client is not exempt from lobbying registration pursuant to 19A-21(c)(3) of the ethics law.

The language of the exemption extends to an “official act” executed by “an official or employee” of the specified governmental units. Actions of private attorneys who have been engaged by a governmental entity are neither “official acts” nor are they acts by “an official or employee.”

For the Commission:

Steven Rosen, Chair